

The Court cannot find that Defendant has knowingly and intentionally waived his right to counsel since he refused to engage in any colloquy on the subject. To be effective, “[a]n

assertion of the right of self representation must be (1) clear and unequivocal; (2) knowing, intelligent and voluntary; and (3) timely.” United States v. Frazier-El, 204 F.3d 553, 558 (4th Cir. 2000) (internal citations omitted).


However, based upon the Defendant’s refusal to cooperate with Ms. Gebre-Egziabher and his thwarting of the Court’s repeated attempts to protect his right to counsel, the Court finds that Defendant has forfeited his right to counsel in this matter. See United States v. Coleman, No. 3:09-CR-207, 2010 WL 4395358, at \*5 (E.D.Va. October 28, 2010) (finding Defendant forfeited his right to counsel by his dilatory tactics and unwillingness to work with his attorneys including filing three pro se motions, communicating regularly with the Clerk’s office and dismissing his attorneys when they failed to pursue his preferred courses of action).

The Court proceeded to conduct the preliminary revocation and detention hearings with Defendant present, but without counsel. Defendant was afforded the opportunity to cross-examine the Government’s witness, present evidence, and make arguments. He remained silent and did not respond to the Court in any fashion. The Court found probable cause and ordered Defendant detained.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Richard L. Voorhees.

**SO ORDERED.**

Signed: April 1, 2013

  
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David S. Cayer  
United States Magistrate Judge

